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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN D. KIM and LIOR ELAZARY

Appeal 2010-000998
Application 09/766,473
Technology Center 2400

Before JOSEPH F. RUGGIERO, BRADLEY W. BAUMEISTER, and JEFFREY S. SMITH, *Administrative Patent Judges*.

RUGGIERO, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 8, 9, 12-15, 18, 22, 23, and 26-38.[1] Claims 1-7, 10, 11, 16, 17, 19-21, 24, and 25 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Rather than reiterate the arguments of Appellants and the Examiner, we refer to the Appeal Brief (revised, filed Apr. 17, 2009), the Answer (mailed Aug. 19, 2009), and the Reply Brief (filed Oct. 19, 2009).

Appellants' Invention

Appellants' invention relates to the synchronization of configuration parameters on a server with a database of stored configuration parameters. After a database of configuration parameters is updated, the server is automatically updated in accordance with the database updates to automatically maintain synchronization between the server configuration and the database. *See generally* Spec. 3:8-17.

Claim 12 is illustrative of the invention and reads as follows:

12. A method of synchronizing configuration parameters on a server with a database of stored configuration parameters comprising:

automatically updating at least one application program configuration parameter on the server in response to receiving an update of at least one corresponding stored application configuration parameter in said database, the update initiated by a particular customer of a web hosting provider,

[1] As noted by Appellants, dependent claims 34-38 inadvertently recite "The system of claim 33" instead of properly reciting "The method of claim 33." Appellants express their intent to correct the discrepancy following this appeal (App. Br. 2).

wherein each application program configuration parameter defines at least in part a quantity of a resource on the server available to the particular customer of a web hosting provider.

The Examiner's Rejections

The Examiner's Answer cites the following prior art references:

Wall	US 2001/0037380 A1	Nov. 1, 2001 (eff. filed Apr. 24, 2000)
Frailong	US 6,496,858 B1	Dec. 17, 2002 (filed Nov. 5, 1999)
Dan	US 6,560,639 B1	May 6, 2003 (filed Feb. 12, 1999)
Wilson	US 6,718,347 B1	Apr. 6, 2004 (filed Jan. 5, 1999)

Claims 12, 14, 18, 26, 27, 29, 33, 34, and 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Frailong in view of Wall.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Frailong in view of Wall and Wilson.

Claims 13, 15, 22, 23, 28, 30-32, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Frailong in view of Wall and Dan.

ANALYSIS

Claims 12, 14, 18, 26, 27, 29, 33, 34, and 36-38

Appellants contend, with respect to the obviousness rejection of independent claims 12, 18, 26, and 33, that Wall does not overcome what the Examiner has identified as the deficiency in Frailong (Ans. 4). This deficiency is the failure to teach a configuration parameter which *defines* a quantity of a resource available to a user, a feature present in each of the

appealed independent claims. According to Appellants, while Wall teaches (¶¶ [0027]-[0028]) that an administrator can make changes to the content of a web site by adding pages stored on a server, and that such web pages affect the quantity of memory space resource in use by the server, such a teaching does not amount to *defining* a quantity of an available resource as claimed (App. Br. 5-7; Reply Br. 1-3).

We agree with Appellants. As argued by Appellants (Reply Br. 3), the actions taken by the administrator in Wall that affect the quantity of a memory space that is being used on Wall's server, such as adding web pages to a web site, does not *define* an amount of resource available to a user. Further, we agree with Appellants (*id.*) that even assuming, *arguendo*, that actions taken by Wall's administrator could be construed as defining the amount of memory space in use at a particular time, such a teaching does not amount to defining the quantity of a resource, e.g., memory space, that is *available* to an administrator/user as claimed.

In view of the above discussion, since we are of the opinion that the proposed combination of references set forth by the Examiner does not support the obviousness rejection, we do not sustain the rejection of independent claims 12, 18, 26, and 33, nor of claims 14, 27, 29, 34, and 36-38 dependent thereon.

CONCLUSION OF LAW

Based on the analysis above, we conclude that the Examiner erred in rejecting claims 8, 9, 12-15, 18, 22, 23, and 26-38 for obviousness under 35 U.S.C. § 103(a).

DECISION

The Examiner's 35 U.S.C. § 103(a) rejection of claims 8, 9, 12-15, 18, 22, 23, and 26-38, all of the appealed claims, is reversed.

REVERSED

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